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DECISION OF REJECTION

Patent Application No. Patent Application No.2002-205605

Drafting Date July 13, 2007

Examiner of Patent Office Satoshi WATANABE 8622 5P00

Title of the Invention IMAGE PICKUP APPARATUS AND

PHOTOMETER

Patent Applicant FUJIFILM Corporation

Agent Shohei OGURI (and 4 others)

This application should be refused by the reason described in the notification of reasons for refusal dated February 28, 2007.

Meanwhile, we studied contents of the written argument and written amendment, but we cannot find a sufficient ground to revoke the reason for refusal.

COMMENT

The applicant amends claims, and describes, in the written argument, that "(4) Difference between the Present

Invention and the Cited References (a) Cited reference 1 (JP 2000-125209 A) describes, in paragraph [0056], that exposure calculation is carried out only with an exposure signal from a low-sensitivity element, as pointed out by the examiner. Explaining this with reference to Fig. 4 of this application, it means that the characteristic line B is extended to OEV and an exposure value in the entire range of OEV - 8EV is calculated only with photometry data of the characteristic line B. That is, it means that the characteristic line A is not used even in the range of OEV - 4EV. In contrast, in the invention of this application, calculation of an exposure value is carried out by using only the characteristic line A in the range of OEV - 4EV, and by using only the characteristic line B in the range of 4EV - 8EV, and the configuration of the invention is completely different from that of the cited reference 1. Therefore, we believe that the invention of this application cannot be easily conceived from the cited reference 1. (b) Cited reference 2 (JP 2002-057939 A) discloses, in paragraph [0032], a technique for calculating an optimum exposure value by adding a long time exposure signal and a short time exposure signal to obtain its average value, as pointed out by the examiner. Explaining this with reference to Fig.4 of this application, in a range between the vicinity of 4EV of the characteristic line A in which the short time exposure signal goes completely white, and the vicinity of OEV of the characteristic line B in which the long time exposure signal extended to the vicinity of OEV goes completely black, i.e., a range in which the characteristic line A and the characteristic line B overlap, an average value is obtained by using both of the characteristic line A and the characteristic line B, and used as an optimum exposure value. In contrast, in the invention of this application, a diagram of photometry lines is provided in such a manner that the characteristic line A and the characteristic line B do not overlap at the same EV value, and an exposure value is calculated only from one of the characteristic line A and the characteristic line B, and the cited reference 2 and the invention of this application invention are completely different in configuration of the invention. Therefore, we believe that the invention of this application cannot be easily conceived from the cited reference 2. In addition, even if the technique of the cited reference 1 for calculating an exposure value in the entire range of OEV - 8EV only by the characteristic line B is combined with the cited reference 2 as described above, we believe that the invention of this application, in which a characteristic line for calculating an exposure value is switched $A \rightarrow B$ depending on whether high-sensitivity pixel is saturated or not, cannot be easily conceived." Therefore, we will hereinafter study it below.

STUDY

Claim 1 - Claim 3: In the above-mentioned written argument, the applicant describes, "therefore, we believe that the invention of this application cannot be easily conceived from the cited reference 2. In addition, even if the technique of the cited reference 1 for calculating an exposure value in the entire range of 0EV-8EV only by the characteristic line B is combined with the cited reference 2 as described above, we believe that the invention of this application, in which a characteristic line for calculating an exposure value is switched $A \to B$ depending on whether high-sensitivity pixel is saturated or not, cannot be easily conceived." However,

in exposure control of an image pickup device using low-sensitivity pixels and high-sensitivity pixels, it is not particular to use outputs of different sensitivity elements for exposure control by switching the outputs of the different sensitivity elements depending on brightness, i.e., carry out AE/AF by using an output of low-sensitivity pixels when a photographic subject is bright, and carry out AE/AF control by using high-sensitivity pixels when the photographic subject is dark because , as described in, e.g., [0028] of JP 2000-316163 A. In addition, it is a technical common sense to eliminate from data that is the underlying basis of exposure calculation, when they are saturated because when saturated,

even if exposure calculation is carried out using this saturated pixel value, an optimum exposure control amount cannot be obtained as described in, e.g., [0064] of JP Hei.6-189187 A, JP Sho.62-147872 A (page 4, lower right column, lines 12 - 14), and JP Hei.1-218178 A [Claim 1], [page 4, upper left column, paragraph 3 - upper right column, paragraph 1].

Therefore, it is recognized that a person having ordinary skill in the art could easily have modified the cited reference 1 to have the configuration "comprising control means for calculating the exposure value by using only photometry data outputted from the high-sensitivity pixels in case that the high-sensitivity pixels are not saturated, and calculating the exposure value by using only photometry data outputted from the low-sensitivity pixels in case that the high-sensitivity pixels are saturated and the low-sensitivity pixels are not saturated" as described in the invention of this application, in order to obtain an optimum exposure calculation value.

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Administrative Case Litigation Law)

Against this decision, you can bring an action for cancellation only to decision of a trial for demand of a trail about this decision (Article 178, Paragraph 6 of the Patent Law).

It is certified that the foregoing has no difference from the matter that has been recorded in the file.

Certification Date July 17, 2007

Administrative official of economy, trade and industry

Emiko HIRASE

拒絕查定

特許出願の番号

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特許庁審査官

渡邊 聡

発明の名称

撮像装置及び測光装置

特許出願人

富士フイルム株式会社

代理人

小栗 昌平(外 4名)

この出願については、平成19年 2月28日付け拒絶理由通知書に記載した 理由によって、拒絶をすべきものである。

なお、意見書並びに手続補正書の内容を検討したが、拒絶理由を覆すに足りる根拠が見いだせない。

備考

出願人は請求項を補正すると共に意見書に於いて「(4)本願発明と引用例と (a) 引用例1 (特開2000—125209号) の段落 [0056] には、審査官殿ご指摘通り、低感度素子からの露出信号のみで露出演算を行う旨 の記載があります。これを本願図4で説明すれば、特性線Bを0EVまで延ばし 、 O E V ~ 8 E V の全範囲の露出値を、特性線 B の測光データだけで算出するこ とを意味します。つまり、OEV~4EVの範囲であっても特性線Aは用いない ことを意味します。 これに対し、本願発明では、OEV~4EVの範囲では 特性線Aのみを用い、4EV~8EVの範囲では特性線Bのみを用いて露出値算 出を行っており、発明の構成が引用例1の構成と全く異なります。従って、本願 発明はこの引用例1からは容易に想起できるものではないと考えます。 (b) 引用例2(特開2002-057939号)の段落〔0032〕には、審査官殿 ご指摘通り、長時間露光信号と短時間露光信号とを加算し平均値を求めることで 最適露出値を算出する技術を開示します。 これを本願図4で説明すれば、短 時間露光信号が白飛びする特性線Aの4EV近くと、 0EV近くまで延長した 長時間露光信号が黒潰れする特性線BのOEV近くとの間の範囲つまり特性線A と特性線Bとが重なる範囲において、特性線Aと特性線Bとの両方を用いて加算 平均値を求め、最適露出値としています。 これに対し、本願発明では、特性 線Aと特性線Bとが同一EV値で重ならないように測光線図を設け、特性線Aと 特性線Bの一方のみから露出値を算出しており、引用例2と本願発明は発明の構 成が全く異なります。 従って、本願発明はこの引用例2からも容易に想起で きるものではないと考えます。また、上述した様にOEV~8EVの全範囲を特

性線Bだけで露出値算出する引用例1の技術と引用例2とを組み合わせても、高 感度画素が飽和していないか飽和しているかによって露出値算出用の特性線をA →Bと切り替える本願発明は、容易に想起できるものではないと考えます。」と 述べているので、以下に検討をする。

検討

請求項1~請求項3:上記意見書で出願人は「従って、本願発明はこの引用例2 からも容易に想起できるものではないと考えます。また、上述した様にOEV~ 8 E V の全範囲を特性線 B だけで露出値算出する引用例 1 の技術と引用例 2 とを 組み合わせても、高感度画素が飽和していないか飽和しているかによって露出値 算出用の特性線をA→Bと切り替える本願発明は、容易に想起できるものではな いと考えます。」と述べているが、

低感度画素と高感度画素を用いる撮像素子の露光制御に於いて、被写体が明る い場合には、低感度画素の出力でAE/AFを行い、被写体が暗いときには高感 度画素を用いてAE/AF制御を行うという感度の異なる素子の出力を明るさで 切り替えて露出制御に用いることは、例えば、特開2000-316163号公 報【0028】に記載されている様に格別のものではないことに加えて、飽和し ている場合には、露出演算の基礎となるデータから外すことは、例えば、特開平 06-189187号公報【0064】・特開昭62-147872号公報【4 頁右下欄12~14行】·特開平01-218178号公報【請求項1】【4頁 左上棡第3段落~右上棡第1段落】にそれぞれ記載されるように、飽和している 場合には、この飽和している画素値を用いて露出演算を行っても適正露出制御量 が得れないことから、上記各周知文献のように露出演算の基礎となるデータから 除外することは技術常識であるから、

引用例1においても、本願発明に記載する「前記高感度画素が飽和していない 場合には該高感度画素から出力された測光データのみを用いて前記露出値を算出 し、前記高感度画素が飽和し且つ前記低感度画素が飽和していない場合には該低 感度画素から出力された測光データのみを用いて前記露出値を算出する制御手段 を備える」ようにすることは、適正露出演算値を得るために当業者が容易に想到 し得たものに過ぎないと認める。

この査定に不服があるときは、この査定の謄本の送達があった日から30日以 内(在外者にあっては、90日以内)に、特許庁長官に対して、審判を請求する ことができます(特許法第121条第1項)。

⁽行政事件訴訟法第46条第2項に基づく教示)

この査定に対しては、この査定についての審判請求に対する審決に対してのみ